## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:16-cv-561-FDW

EDWARD EARL BROWN, JR.,	)
Plaintiff,	)
vs.	ORDER
A. PHILLIPS, et al.,	)
Defendants.	)
	)

**THIS MATTER** is before the Court on Plaintiff's "Declaration for Entry of Default," (Doc. Nos. 42), in which he seeks the entry of default judgment against Defendants for their failure to answer the Complaint within 20 days of service.

Defendant Rorie, the only Defendant upon whom service has been successful to date, has been granted an extension of time to file an answer until May 7, 2018. The other Defendants' summonses were returned unexecuted and the U.S. Marshals Service has been ordered to use reasonable efforts to locate and obtain service on the remaining Defendants. <u>See</u> (Doc. No. 33). Therefore, Defendants are not in default and Plaintiff's motion will be denied.

## **IT IS THEREFORE ORDERED** that:

(1) Plaintiff's Motion for default judgment, (Doc. Nos. 42), is **DENIED**.

Signed: March 13, 2018

Frank D. Whitney

Chief United States District Judge